

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WARREN DURHAM JR.,) C.A. NO. 04-198 ERIE
Plaintiff)
v.)
CITY AND COUNTY OF ERIE,)
ET AL. Defendants.

NOTICE OF APPEAL

COMES NOW, Warren Durham Jr., moving pro se, and pursuant to Federal Rules of Appellate Procedure, Rule 3 and 4, gives Notice of his intent to appeal to the United States Court of Appeals for the Third Circuit from the Order entered in this action on August 17, 2005, adopting the Report and Recommendation of United States Magistrate Judge Susan Paradise Baxter as the Opinion of the Court.

Grounds for appeal exist in that Plaintiff's constitutional rights were violated when Defendants denied him right to counsel without due process of law.

WHEREFORE, it is respectfully requested that Plaintiff's appeal shall proceed.

Respectfully submitted,



WARREN DURHAM JR.

AFFIDAVIT

COMES NOW, the Affiant undersigned, Warren Durham Jr., and affirm that he is the Plaintiff in the above captioned matter and avers the above are true and correct subject to Title 18, Section 1621 U.S.C.


Warren Durham Jr.
WARREN DURHAM JR.
AFFIANT

DATED: 8/22/05

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CERTIFICATE OF SERVICE

I, Warren Durham Jr., hereby certify that a true and correct copy of the foregoing
"Notice of Appeal" shall be served upon the persons named below by mailing same FIRST
CLASS, postage prepaid, U.S. Mail to:

Tracey D. Bowes, Esq.
Mark E. Mioduszewski, Esq.
120 West Tenth Street
Erie, Pa. 16501

A. Taylor Williams, Esq.
1515 Market Street, Suite 1414
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Warren Durham Jr.
WARREN DURHAM JR.
12119 MATHERSON AVE.
CLEVELAND, OH. 44135

DATED: 8/22/05